

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition of MCC Iowa LLC for Expedited	)	WC Docket No. 21-217
Declaratory Ruling Pursuant to Section	)	
253(d) of the Communications Act	)	

**JOINT REQUEST FOR EXTENSION OF TIME**

Pursuant to Section 1.46(c) of the Federal Communications Commission (“Commission”) rules, petitioner MCC Iowa LLC (“Mediacom”) and respondent City of West Des Moines, Iowa (“City”), jointly request an extension until December 29, 2021, of the current October 27 reply comment deadline established by the Wireline Competition Bureau (“WCB”) in the above-captioned matter.<sup>1</sup> On September 14, 2021, the WCB granted the parties’ previous joint request that sought a fifteen-day extension of the original due dates the WCB had set for the filing of comments and reply comments.<sup>2</sup>

In support of their September joint extension request, the parties advocated for a short extension of the comment deadlines to allow them to focus on exploring settlement prospects without having to concurrently prepare or finalize FCC pleadings. The WCB granted this unopposed request and delayed the filing deadlines until October 7 and 27, 2021, respectively. In support of its action, the WCB cited “administrative efficiencies that could result from such discussions . . . , particularly given the relatively short duration of the requested extension.”<sup>3</sup>

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<sup>1</sup> See 47 C.F.R. § 1.46(c); Petition of MCC Iowa LLC for Expedited Declaratory Ruling Pursuant to Section 253(d) of the Communications Act, *Order Granting Extension of Time*, WC Docket No. 21-217, DA 21-1151 (Sept. 14, 2021), <https://docs.fcc.gov/public/attachments/DA-21-1151A1.pdf>.

<sup>2</sup> See Wireline Competition Bureau Seeks Comment on Petitions for Declaratory Ruling Filed Pursuant to Section 253 of the Communications Act, *Public Notice*, WC Docket Nos. 21-217, 21-323, DA 21-994 (Aug. 13, 2021), <https://docs.fcc.gov/public/attachments/DA-21-994A1.pdf>.

<sup>3</sup> *Order Granting Extension of Time*, DA 21-1151, para. 4.

Because the parties had not reached agreement on the terms for a settlement by October 7, 2021, the City of West Des Moines filed its Opposition to Mediacom's Section 253 Petition,<sup>4</sup> and several commenters also filed both in support of and in opposition to Mediacom's Petition.

Since the filing of their prior joint request, the parties have continued to participate in meetings and negotiations in an effort to resolve the issues raised in Mediacom's Petition<sup>5</sup> as well as an ongoing state court proceeding that Mediacom initiated against the City alleging violations of state law in connection with the City's Conduit Network project. As a result of those meetings and negotiations, the parties can report that they have now arrived at a mutually acceptable set of high-level terms for resolving their dispute. However, those terms need to be translated into more specific, detailed terms and documents that are acceptable to both parties, including the drafting of a comprehensive settlement and licensing agreements. In addition, there are conditions precedent to effectiveness of a settlement that will need to be satisfied, including obtaining third-party consents to certain matters and potentially City Council review and approval of certain documents. While there is no assurance that these conditions will be satisfied or that the parties will ultimately reach final agreement on the more detailed settlement and licensing documents, the parties believe a further extension of the current reply comment deadline would assist them in furthering the settlement process.

In light of the parties' continued efforts to reach an agreement on the disputed issues, the parties on October 12, 2021 jointly sought and on October 14, 2021 obtained a further stay of the state court proceeding through November 29, 2021, to allow for the preparation, review and

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<sup>4</sup> See City of West Des Moines, Iowa, *Opposition of the City of West Des Moines, Iowa to the Petition of MMC [sic] Iowa LLC for Expedited Declaratory Ruling Pursuant to Section 253(d) of the Communications Act* (Oct. 7, 2021), <https://ecfsapi.fcc.gov/file/1007391030723/WC%2021-217%20-%20West%20Des%20Moines%20Opposition.pdf>.

<sup>5</sup> See MCC Iowa LLC, *MCC Iowa LLC Petition for Expedited Declaratory Ruling Pursuant to Section 253 of the Communications Act* (May 12, 2021), <https://www.fcc.gov/ecfs/filing/1051284318481>.

finalization of necessary settlement documentation. For the same reason, the parties request a further extension of the deadlines in this proceeding so as to conserve the resources of the Commission, the public and the parties.

Given that the parties have reached agreement on the key terms of settlement and continue to make substantial progress towards full settlement of their dispute, and further given the interests of administrative efficiency in conserving the resources of the Commission, the parties, and the public, the parties submit that there is good cause to grant an extension of the reply comment deadline in this proceeding. The parties therefore request that the WCB grant their request and extend the reply comment deadline until December 29, 2021.

Respectfully submitted,

  
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**MCC Iowa LLC**  
*Petitioner*

Laura H. Phillips  
**Faegre Drinker Biddle & Reath LLP**  
1500 K Street NW, Suite 1100  
Washington, D.C. 20005  
202-842-8800  
[laura.phillips@faegredrinker.com](mailto:laura.phillips@faegredrinker.com)  
*Counsel for MCC Iowa LLC*

October 15, 2021

/s/ Tillman L. Lay  
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**City of West Des Moines, Iowa**  
*Respondent*

Tillman L. Lay  
**Spiegel & McDiarmid LLP**  
1875 Eye Street, NW, Suite 700  
Washington, D.C. 20006  
202-879-4022  
[tim.lay@spiegelmc.com](mailto:tim.lay@spiegelmc.com)  
*Counsel for City of West Des Moines, Iowa*